

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JOSEPH EMMANUEL GIL SANCHEZ,

Petitioner,

-against-

THOMAS DECKER, in his official capacity as Director of the New York Field Office of U.S. Immigrations & Customs Enforcement; and CHAD WOLF, in his official capacity as Acting Secretary, U.S. Department of Homeland Security,

Respondents.

ANALISA TORRES, District Judge:

On June 13, 2020, Petitioner, Joseph Emmanuel Gil Sanchez, moved by order to show cause for a temporary restraining order and preliminary injunction, ECF No. 3, directing his release from immigration detention at the Orange County Correctional Facility (“Orange County Jail”), on the basis of the health risks posed by COVID-19, Pet. Mem., ECF No. 2. On June 23, 2020, Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Petition, ECF No. 4.¹

The matter being fully submitted, *see* ECF Nos. 10–14, Petitioner’s motion is DENIED. *See Redac Project 6426, Inc. v. Allstate Ins. Co.*, 402 F.2d 789, 790 (2d Cir. 1968). “A party seeking a preliminary injunction must show (1) irreparable harm; (2) either a likelihood of success on the merits or both serious questions on the merits and a balance of hardships decidedly favoring the moving party; and (3) that a preliminary injunction is in the public interest.” *N. Am. Soccer League, LLC v. United States Soccer Fed’n, Inc.*, 883 F.3d 32, 37 (2d Cir. 2018).

Petitioner has failed to demonstrate a likelihood of success on either his procedural or substantive due process claim. *See* Pet. Mem. at 5–8. He has not submitted any evidence showing that he faces a heightened risk for contracting or developing serious complications from COVID-19. *See* ECF No. 13-1 at 2 (submitting medical records that indicate that Petitioner has “no acute disease,” and identifying no medical condition except that Petitioner has developed a “slightly thickened” bladder wall). Nor has he adduced any evidence to demonstrate that Respondents’ actions have created, or failed to adequately remedy, unsafe conditions at Orange County Jail.

Accordingly, Petitioner’s request for a temporary restraining order and a preliminary injunction is DENIED.

SO ORDERED.

Dated: July 8, 2020
New York, New York


ANALISA TORRES
United States District Judge

¹ Petitioner failed to file a habeas petition or any other pleading prior to requesting emergency relief.